

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN PAUL BARRIOS,

Plaintiff(s)

20 civ 3639 (JGK)

-against-

ORDER OF DISCONTINUANCE

NATIONAL RAILROAD PASSENGER CORPORATION
Defendant(s).


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It having been reported to this Court that the parties have settled this action, It is, on this 14th day of **July**, 2021, hereby ordered that this matter be discontinued with prejudice but without costs; provided, however, that within **30** days of the date of this order, counsel for the plaintiff may apply by letter for restoration of the action to the calendar of the undersigned, in which event the action will be restored.

Any application to reopen must be filed within thirty (30) days of this order; any application to reopen filed thereafter may be denied solely on that basis. Further, if the parties wish for the Court to retain jurisdiction for the purpose of enforcing any settlement agreement, they **must** submit the settlement agreement to the Court within the same thirty-day period to be "so ordered" by the Court. Unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

All pending motions are dismissed as moot. All conferences are canceled. The Clerk of Court is directed to close this case.

SO ORDERED.



JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
July 14, 2021

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DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>7/15/21</u>

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July 14, 2021

Via ECF

Hon. John G. Koeltl
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Barrios v. National Railroad Passenger Corporation (Amtrak)
Docket No.: 1:20-cv-03639-JGK

Dear Judge Koeltl:

This office represents National Railroad Passenger Corporation d/b/a Amtrak ("Amtrak") in the above-referenced matter. I write to advise Your Honor that the parties have reached a resolution in the above-referenced matter and are completing the Release and related documents associated with same.

As a result, the parties respectfully request that the Court remove this matter from the trial-ready list and terminate all pending deadlines. The parties will file a stipulation of dismissal upon the execution of the Release and receipt of the settlement check.

Respectfully submitted,
s/ Rachel S. Rubenstein

Rachel S. Rubenstein

RSR:

cc: James M. Duckworth, Esq. (*via ECF only*)
John A. Bonventre, Esq. (*via ECF only*)

ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:20-cv-03639-JGK
Internal Use Only**

Barrios v. National Railroad Passenger Corporation (Amtrak) Date Filed: 05/11/2020
Assigned to: Judge John G. Koeltl Jury Demand: Both
Cause: 45:51 Railways: Fed. Employer's Liability Act Nature of Suit: 330 Federal Employer's Liability
Jurisdiction: Federal Question

Plaintiff**John Paul Barrios***TERMINATED: 10/26/2020*

represented by **James M. Duckworth**
Keller & Goggin PC
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ATTORNEY TO BE NOTICED

Plaintiff**Jean Paul Barrios**

represented by **James M. Duckworth**
(See above for address)
ATTORNEY TO BE NOTICED

V.


Defendant**National Railroad Passenger
Corporation (Amtrak)**

represented by **John Anthony Bonventre**
Landman Corsi Ballaine & Ford, P.C.
One Gateway Center, Fourth Floor
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Date Filed	#	Docket Text
05/11/2020	<u>1</u>	FILING ERROR - DEFICIENT PLEADING - SIGNATURE ERROR - COMPLAINT against NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK). (Filing Fee \$ 400.00, Receipt Number ANYSDC-19783076) Document filed by John Paul Barrios..(Bennett, Voci) Modified on 5/12/2020 (jgo). (Entered: 05/11/2020)
05/11/2020	<u>2</u>	FILING ERROR - PDF ERROR - CIVIL COVER SHEET filed.. (Bennett, Voci) Modified on 5/12/2020 (jgo). (Entered: 05/11/2020)
05/11/2020	<u>3</u>	FILING ERROR - SUMMONS REQUEST PDF ERROR - REQUEST FOR ISSUANCE OF SUMMONS as to National Railroad Passenger Corporation (AMTRAK), re: <u>1</u> Complaint. Document filed by John Paul Barrios..(Bennett, Voci) Modified on 5/12/2020 (jgo). (Entered: 05/11/2020)
05/12/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Voci R Bennett to RE-FILE Document No. <u>1</u> Complaint. The filing is deficient for the following reason(s): the pleading was not signed by the filing attorney. Re-file the pleading using the event type Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. (jgo) (Entered: 05/12/2020)
05/12/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney Voci R Bennett to RE-FILE Document No. <u>2</u> Civil Cover Sheet. The filing is deficient for the following reason(s): Basis of Jurisdiction code - no selection;. Re-file the document using the event type Civil Cover Sheet found under the event list Other Documents and attach the correct PDF. Use civil cover sheet issued by S.D.N.Y. dated June 2017. The S.D.N.Y. Civil Cover Sheet dated June 2017 is located at http://nysd.uscourts.gov/file/forms/civil-cover-sheet.. (jgo) (Entered: 05/12/2020)

05/12/2020		***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Voci R Bennett. The following case opening statistical information was erroneously selected/entered: Jury Demand code b (Both); County code New York;. The following correction(s) have been made to your case entry: the Jury Demand code has been modified to p (Plaintiff); the County code has been modified to XX Out of State;. (jgo) (Entered: 05/12/2020)
05/12/2020		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Voci R Bennett. The party information for the following party/parties has been modified: NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK). The information for the party/parties has been modified for the following reason/reasons: party name was entered in all caps;. (jgo) (Entered: 05/12/2020)
05/12/2020		(Court only) ***Change Divisional Office to Office 1. (jgo) (Entered: 05/12/2020)
05/12/2020		***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Voci R Bennett. The following case opening statistical information was erroneously selected/entered: Office code White Plains;. The following correction(s) have been made to your case entry: the Office code has been modified to Foley Square;. (jgo) (Entered: 05/12/2020)
05/12/2020		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge John G. Koeltl. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions.. (jgo) (Entered: 05/12/2020)
05/12/2020		Magistrate Judge Robert W. Lehrburger is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (jgo) (Entered: 05/12/2020)
05/12/2020		Case Designated ECF. (jgo) (Entered: 05/12/2020)
05/12/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Voci R Bennett to RE-FILE Document No. <u>3</u> Request for Issuance of Summons,. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the issuance of summons is not correct. Use the Summons form Summons in a Civil Case dated June 2012. Re-file the document using the event type Request for Issuance of Summons found

		under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (jgo) (Entered: 05/12/2020)
05/14/2020	<u>4</u>	COMPLAINT against National Railroad Passenger Corporation (Amtrak). Document filed by John Paul Barrios..(Duckworth, James) (Entered: 05/14/2020)
05/14/2020	<u>5</u>	CIVIL COVER SHEET filed..(Duckworth, James) (Entered: 05/14/2020)
05/14/2020	<u>6</u>	REQUEST FOR ISSUANCE OF SUMMONS as to National Railroad Passenger Corporation (AMTRAK), re: <u>1</u> Complaint,. Document filed by John Paul Barrios..(Duckworth, James) (Entered: 05/14/2020)
05/15/2020	<u>7</u>	ELECTRONIC SUMMONS ISSUED as to National Railroad Passenger Corporation (Amtrak)..(pne) (Entered: 05/15/2020)
07/08/2020	<u>8</u>	SUMMONS RETURNED EXECUTED Summons and Complaint served. National Railroad Passenger Corporation (Amtrak) served on 7/1/2020, answer due 8/31/2020. Service was accepted by Johnnie Hickman-Johnson. Document filed by John Paul Barrios..(Bennett, Voci) (Entered: 07/08/2020)
08/17/2020	<u>9</u>	ANSWER to <u>4</u> Complaint with JURY DEMAND. Document filed by National Railroad Passenger Corporation (Amtrak)..(Bonventre, John) (Entered: 08/17/2020)
08/17/2020	<u>10</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Other Affiliate American Financial Group, Inc., Other Affiliate Passenger Railroad Insurance Limited, Other Affiliate Washington Terminal Company, Other Affiliate Canadian Pacific Railway, Other Affiliate Burlington Northern and Santa Fe LLC, Other Affiliate American Premier Underwriters, Inc., Other Affiliate Canadian National Railway, Other Affiliate Berkshire Hathaway for National Railroad Passenger Corporation (Amtrak). Document filed by National Railroad Passenger Corporation (Amtrak)..(Bonventre, John) (Entered: 08/17/2020)
08/17/2020	<u>11</u>	NOTICE OF APPEARANCE by Rachel Suzanne Rubenstein on behalf of National Railroad Passenger Corporation (Amtrak)..(Rubenstein, Rachel) (Entered: 08/17/2020)
10/05/2020		Minute Entry for proceedings held before Judge John G. Koeltl: Pretrial Conference set for 10/29/2020 at 03:30 PM before Judge John G. Koeltl. Dial-in: 888 363-4749, with access code 8140049. (Fletcher, Donnie) (Entered: 10/05/2020)
10/21/2020	<u>12</u>	MOTION to Amend/Correct <i>Complaint</i> . Document filed by John Paul Barrios..(Duckworth, James) (Entered: 10/21/2020)
10/22/2020	<u>13</u>	ORDER granting <u>12</u> Motion to Amend/Correct. AND NOW, this 22 day of October, 2020 upon Plaintiff's Motion for Leave to Amend the Complaint, it is hereby ORDERED that Plaintiff's motion is GRANTED. Leave is granted for Plaintiff to file the amended Complaint changing the Caption.. (Signed by Judge John G. Koeltl on 10/22/2020) (ks) (Entered: 10/22/2020)

10/23/2020	<u>14</u>	FILING ERROR - DEFICIENT PLEADING - FILER ERROR - AMENDED COMPLAINT amending <u>4</u> Complaint against National Railroad Passenger Corporation (Amtrak) with JURY DEMAND.Document filed by John Paul Barrios. Related document: <u>4</u> Complaint..(Duckworth, James) Modified on 10/26/2020 (jgo). (Entered: 10/23/2020)
10/26/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney James M. Duckworth to RE-FILE re: Document No. <u>14</u> Amended Complaint. The filing is deficient for the following reason(s): all of the parties listed on the pleading were not entered on CM ECF; add party Jean Paul Barrios; the wrong filer/filers were selected for the pleading;. Docket the event type Add Party to Pleading found under the event list Complaints and Other Initiating Documents.. Re-file the pleading using the event type Amended Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. (jgo) (Entered: 10/26/2020)
10/26/2020	<u>15</u>	AMENDED COMPLAINT amending <u>4</u> Complaint against National Railroad Passenger Corporation (Amtrak) with JURY DEMAND.Document filed by Jean Paul Barrios. Related document: <u>4</u> Complaint..(Duckworth, James) (Entered: 10/26/2020)
10/26/2020	<u>16</u>	ANSWER to <u>15</u> Amended Complaint with JURY DEMAND. Document filed by National Railroad Passenger Corporation (Amtrak)..(Rubenstein, Rachel) (Entered: 10/26/2020)
10/26/2020	<u>17</u>	RULE 26(f) DISCOVERY PLAN REPORT.Document filed by National Railroad Passenger Corporation (Amtrak)..(Rubenstein, Rachel) (Entered: 10/26/2020)
10/26/2020		(Court only) *** Party John Paul Barrios terminated. (sj) (Entered: 10/27/2020)
10/29/2020	<u>18</u>	CIVIL SCHEDULING ORDER: This is a jury trial. Amended Pleadings due by 12/4/2020. Joinder of Parties due by 12/4/2020. Motions due by 7/9/2021. Discovery due by 5/28/2021. Pretrial Order due by 7/9/2021. Ready for Trial by 7/23/2021. The estimated trial time is 4 days. SO ORDERED. (Signed by Judge John G. Koeltl on 10/29/2020) (ks) (Entered: 10/29/2020)
10/29/2020		Minute Entry for proceedings held before Judge John G. Koeltl: Initial Pretrial Conference held on 10/29/2020. (Fletcher, Donnie) (Entered: 11/03/2020)
07/09/2021	<u>19</u>	PRETRIAL MEMORANDUM. Document filed by National Railroad Passenger Corporation (Amtrak)..(Bonventre, John) (Entered: 07/09/2021)
07/09/2021	 <u>20</u>	MOTION in Limine <i>to preclude Plaintiff from introducing evidence.</i> Document filed by National Railroad Passenger Corporation (Amtrak). (Attachments: # <u>1</u> MEMORANDUM, # <u>2</u> CERTIFICATE OF SERVICE, # <u>3</u> ORDER).(Bonventre, John) (Entered: 07/09/2021)

07/09/2021	 <u>21</u>	MOTION in Limine <i>RAILROAD RETIREMENT BENEFITS AND COLLATERAL SOURCE</i> . Document filed by Jean Paul Barrios. (Attachments: # <u>1</u> Motion, # <u>2</u> Certificate of Service, # <u>3</u> Text of Proposed Order).(Duckworth, James) (Entered: 07/09/2021)
07/12/2021	<u>22</u>	ORDER: Responses to the respective motions in limine are due July 16, 2021. SO ORDERED. (Responses due by 7/16/2021.) (Signed by Judge John G. Koeltl on 7/12/2021) (mml) (Entered: 07/12/2021)
07/14/2021	<u>23</u>	LETTER addressed to Judge John G. Koeltl from Rachel Rubenstein, Esq. dated July 14, 2021 re: Settlement. Document filed by National Railroad Passenger Corporation (Amtrak)..(Rubenstein, Rachel) (Entered: 07/14/2021)